IN THE HIGH COURT OF BOMBAY AT GOA, PANAJI-GOA

APPEAL FROM ORDER NO. 67 OF 2001
WITH
APPEAL FROM ORDER NO. 45 OF 2002

APPEAL FROM ORDER NO. 67 OF 2001

1. Mr. Leo Dias,
   son of late Adv. A.F.R. Dias,
   major in age, bachelor,
   R/o. Sodiem, Siolim,
   Bardez Goa.

2. Mr. Clement Piedade D'Souza,
   son of late Vithal D'Souza,
   major in age, married,
   R/o. Mapusa, Bardez, Goa. ... Appellants (Original Plaintiffs)

Versus

1. Mr. Gabriel Ramao D'Souza,
   son of late Albert Francis D'Souza,
   major in age, bachelor,
   R/o. Acai, Bardez Goa.

2. Mrs. Merline D'Souza,
   wife of Mr. Oscar D'Souza,
   major in age, business,
   R/o. Acoi, Bardez Goa. .... Deleted

3. Mr. Mahendra Tar,
   son of Madhukar Tar, major
   in age, businessman,
   R/o. Shetye Vaddo, Duler,
   Mapusa Goa. .... Deleted

4. Mr. Dhananjay J. Naik,
major in age, businessman,
R/o. Shetye Vaddo, Duler, ... Deleted
Mapusa Goa. ... Respondents (Original Defendants)

Mr. M.J. Rane, Advocate for Appellants.

APPEAL FROM ORDER NO. 45 OF 2002

1. Mr. Leo Dias,
son of late Adv. A.F.R. Dias,
major in age, bachelor,
resident of Sodiem, Siolim,
Bardez Goa.

2. Mr. Clement Piedade D'Souza,
son of late Vithal D'Souza,
major in age, married,
r/o. Mapusa, Bardez, Goa. ... Appellants (Original Plaintiffs)

Versus

1 Mr. Gabriel Ramao D'Souza,
son of late Albert Francis D'Souza,
major in age, bachelor,
r/o. Acai, Bardez Goa.

2. Mrs. Merline D'Souza,
wife of Mr. Oscar D'Souza,
major in age, business,
r/o. Acoi, Bardez Goa.

3. Mr. Mahendra Tar,
son of Madhukar Tar, major,
businessman,
r/o. Shetye Vaddo, Duler,
Mapusa Goa.

4. Mr. Dhananjay J. Naik,
major in age, businessman,
r/o. Shetye Vaddo, Duler,
Mapusa Goa. ... Respondents (Original Defendants)

Shri M.J. Rane, Advocate for Appellants

Shri N.N. Sardessai, Advocate for Respondents no. 1 to 4.

CORAM: **P.V. KAKADE, J**.

DATE: **11th August, 2006**

ORAL ORDER

Heard learned Counsel for the appellant who seeks permission to withdraw the appeal on instructions from the client. Permission granted.

2. Appeal stands dismissed as withdrawn with no order as to costs.

P.V. KAKADE, J.

NH